

HOWARD MOORE, JR., SBN 55228
Moore and Moore
445 Bellevue Avenue, Second Floor
Oakland, California 94610-4924
Telephone: (510) 451-0104
Facsimile: (510) 451-5056
Email: Moorlaw@aol.com

Attorneys for Plaintiff, Joycelyn Davis

Steven R. Blackburn, SBN 154797
Lori Bien, SBN 189283
Epstein Becker & Green, P.C.
One California Street, 26th Floor
San Francisco, California 94111-5427
Telephone: (415) 398-3500
Facsimile: (415) 398-0955

Attorneys for Defendant, KMART HOLDING COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOYCELYN DAVIS,

Plaintiff,

vs.

KMART HOLDING COMPANY, a
corporation dba KMART and
KMART SUPERSTORES, and
DOES ONE THROUGH TWENTY,
Inclusive,

Defendants.

Case No. C04-0632-WDB

STIPULATION &
ORDER TO EXTEND TIME IN
WHICH PLAINTIFF MAY FILE
HER OPPOSITION TO MOTION
FOR PARTIAL SUMMARY
JUDGMENT AND EXTEND TIME
IN WHICH DEFENDANT MAY
FILE ITS REPLY BRIEF

Whereas, Plaintiff's opposition to Defendant's motion for partial summary judgment is due to be efiled on August 18, 2005, and Defendant's reply, if any, is due to be efiled on August 23, 2005, and the motion is to be heard on September 1, 2005;

Whereas, the transcripts of the depositions of Kelly Winters, Jim Forwood aka Jim Furwood, and Susan Duncan who are essential and material witnesses are not yet available

1 so that they may be used in the opposition and reply to the pending motion for partial
2 summary judgment; and

3 Whereas, Plaintiff is making and has made reasonable efforts to obtain the
4 transcripts of these depositions in a timely manner without incurring extraordinary expense,

5 Therefore, the parties herein, through and by their undersigned counsel of record,
6 stipulate and agree to: (1) extend the time in which Plaintiff may file her opposition to and
7 include Tuesday, August 23, 2005; and to (2) to extend the time in which Defendant may
8 file its reply brief, if any, to and include Friday, August 26, 2005.

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10 Dated: August 17, 2005

Moore and Moore
Attorneys for Plaintiff

11
12 By: s/
13 HOWARD MOORE, JR.

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15
16 Dated: August __, 2005

Epstein Becker & Green, P.C.
Attorneys for Defendant

17
18 By: s/
19 LORI BIEN

20 ORDER

21 The Court approves the parties' stipulation. The court ALSO hereby continues the
22 date for hearing of defendant's motion to September 14, 2005, at 2:30 p.m.

23 Dated: August 18, 2005

